

Reference 1 00-RU-0248
Ref 2 CCN004146

In Reference 1, the Regulatory Unit responded to an Authorization Basis Amendment Request (ABAR-W375-99-00001, Revision 1) submitted by BNFL Inc. in Reference 2. The questions and comments contained in Reference 1 were discussed with members of the RU staff on several occasions. This letter is submitted as a result of those discussions. In summary, this letter:

- Responds to the RU questions and comment in Reference 1 (Attachment 1);
- Summarizes some of the issues discussed with the RU staff;
- Withdraws the amendment request submitted in Reference 2; and
- Submits revision 2 of ABAR W375-99-00001 (Attachment 2).

In meetings on February 16 and April 12, 2000, the RU staff expressed concern about the phrase "project implementing documents" as it was used in the proposed revision of the Employee Concerns Program (ECP). BNFL Inc. explained that the phrase was used to describe documents used on the project that provide instructions to project employees. Many of these documents are called procedures, but direction is also provided in documents referred to as codes of practice, design guides, and other project controlled documents generated in the BNFL Inc. business model. Since the instructional steps that were removed from Revision 0 of the ECP were placed in codes of practice rather than procedures, BNFL Inc. was reluctant to use the term "procedure" in an Authorization Basis (AB) document to describe a document that was actually a "code of practice." The RU staff explained that the use of the term "procedure" to describe such a document was acceptable and would not imply that the information would be only in those documents referred to as "procedures" by the BNFL Inc. business model. The RU staff was also concerned that the documents to which the instructional steps were being transferred would not be subject to adequate control. BNFL Inc. explained that even though the documents were subject to the controls specified in the QA Program, RL/REG-97-13 established an additional level of control due to the restrictions against reductions in commitments and reduction in the effectiveness of programs described in the AB. In effect, BNFL Inc. was locating detailed implementation information into a document controlled by BNFL Inc. However, BNFL Inc. would not be allowed to change those details if the change would result in a reduction in commitment or effectiveness in the ECP.

The RU also identified some apparent discrepancies between the proposed ECP revision and the current version of the ISMP. The specific examples are discussed in Attachment 1. BNFL Inc. explained that none of the differences were the result of any change proposed to the ECP. The difference between the current management organization and the description of that organization in the ISMP is being addressed in a separate Authorization Basis change. After the RU

staff identified their concerns about differences between the ECP and other AB documents, BNFL INC performed another review. No conflicts between the ECP and the other AB documents were found.

Another issue discussed was the reference, in ECP Revision 0, to a DOE guidance document. In that revision and repeated in the proposed Revision 2, the ECP stated:

“The ECP is intended for the use of both direct Project employees and subcontractor employees and has as its basis, the DOE ECP policy established in RLID 5480.29, RL Employee Concerns Program.”

Table S4-1 of the contract references DOE Order 5480.29 and BNFL Inc. used that order and others, including the guidance, in preparing the proposed revisions to the ECP. As a result of the discussion and the comment in Reference 1, BNFL Inc. has proposed a revision to the statement quoted above. The proposed revision states:

“The ECP is intended for the use of both direct project employees and subcontractor employees and is consistent with the contract with DOE.”

BNFL Inc. believes that this wording more accurately describes the commitment to the DOE regarding the development and implementation of the ECP.

As discussed in the ABAR, the proposed revision is a complete rewrite of Revision 0. Although the document looks different from Revision 0, Revision 3 has few changes from the proposed Revisions 1 and 2 submitted earlier. In an evaluation of Revision 3, BNFL Inc. has determined that not all of the changes made meet the criteria contained in RL/REG-97-13 that would dictate prior RU approval. The changes that are presented to the RU for approval are characterized by the relocation of details from Revision 0 into procedures. Included with the ABAR, Attachment 2 to this letter, are:

- An underline/strike out version of ECP, revision 0;
- The proposed revision 3; and
- A justification for the change that requires RU approval.

Signature Block

Attachments

BNFL Inc. RESPONSE TO RU COMMENTS
ABAR-W375-99-00001, Rev 2.